

The DCPC (District of Critical Planning Concern) Process

DCPC Nomination Application

The Mashpee Planning Board completes the required DCPC Nomination Application form. There is no moratorium during this timeframe.

45-Day Moratorium with Exemptions

Upon receipt of a fully completed DCPC nomination application, the Cape Cod Commission (Commission) publishes an official notice of the nomination. As stated in the Commission's DCPC Guidance Document: publication of this official notice has the effect of suspending *all* local development permits for up to 45 days. However, a review of the Commission's DCPC Regulations indicate that the following permitting may continue during this 45-day period:

- Issuance of all Occupancy Permits: (A Certificate of Use and Occupancy may be issued in a nominated area when all other municipal development permits have been previously acquired for a particular development).
- Permits may continue to be granted for those projects exempt from Commission review, as specified in Section 22 of the Cape Cod Commission Act. Such projects include:
 - Projects that received a Special Permit before July 1, 1989 (date of the creation of the Cape Cod Commission). Such projects include: Southport, New Seabury, Quashnet Valley, Windchime Point and the portion of Mashpee Commons that was permitted in 1986 (Steeple Street Area).
 - The repair, upgrade, change, alteration or extension of a single-family dwelling or accessory structure, septic system or water well relative thereof, if such dwelling existed prior to July 1, 1989, unless such upgrade, change, alteration, or extension is greater than twenty-five percent (25%) of the floor area of the dwelling.
 - Projects on a lot or lots shown on a subdivision plan endorsed by the Planning Board prior to July 1, 1989, if the Planning Board has released the security held by it to ensure completion of construction of ways and the installation of municipal services prior to the effective date of the Cape Cod Commission Act.
- Any Chapter 40B Comprehensive Permit (40B is exempt from the Commission Act).

Development Moratorium with Exemptions After Initial 45-Days

If the Cape Cod Commission accepts the Mashpee Planning Board's DCPC nomination, local permitting authority continues to be suspended after the acceptance date, except that the Town may grant permits within the proposed DCPC for the following developments:

- Permits may continue to be granted for the types of exempted projects listed above.
- Types or classes of development *certified* by the Commission in its acceptance decision (and as recommended by the town) as consistent with the purposes of the proposed DCPC (including emergency work).
- Developments that have received Development of Regional Impact (DRI) approval within the last 7 years, as long as the approval is still valid. Examples include: Sconset Village Subdivision, Willowbend 9-hole Golf course expansion, Anchor Self-Storage, and Flagship Self-Storage.
- DRIs referred to the Commission prior to the first published notice of the nomination, *if the development is thereafter approved*. Projects that are pending DRIs, but have not been approved by the Commission to date: Augat Self-Storage Bays, Mashpee Commons (for neighborhoods outside the approved Market and North Market Street and the neighborhoods proposed 40B application), Mashpee Place, and Phase II of South Cape Village.
- Developments authorized by a development agreement previously approved by the Commission and the Town of Mashpee: The thirteen (13) lots within the Mashpee Industrial Park that fall under the Development Agreement.
- The construction of single-family homes, unless the Commission specifically finds in its acceptance decision that they may not proceed, based on factors cited in Section 11(c)(5) of the DCPC Regulations.

The Town can influence what development is allowed to continue after the initial moratorium period.

The Planning Board will accept written comments until September 15, 2004. Comments may be mailed to the Mashpee Planning Board, 16 Great Neck Rd. N., Mashpee, MA 02649 or emailed to planning@ci.mashpee.ma.us. Check the Planning Department's web site at www.ci.mashpee.ma.us/departments/PlanningWeb/index.html for updated information on the DCPC.